



Rep. Emily McAsey

Adopted in House on Apr 14, 2015

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LRB099 04960 DRJ 33749 a

1 AMENDMENT TO HOUSE BILL 3933

2 AMENDMENT NO. _____. Amend House Bill 3933 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Access to Justice Act is amended by
5 changing Sections 5, 10, 15, and 20 and by adding Section 7 as
6 follows:

7 (705 ILCS 95/5)

8 Sec. 5. Findings.

9 (a) The justice system in this State can only function
10 fairly and effectively when there is meaningful access to legal
11 information, resources, and assistance for all litigants,
12 regardless of their income or circumstances.

13 (b) Increasing numbers of people throughout this State,
14 including an increasing number of active duty service members
15 and veterans, are coming into the courts without legal
16 representation for cases involving important legal matters

1 impacting the basics of life such as health, safety, and
2 shelter. In order for the courts to provide fair and efficient
3 administration of justice in these cases, it is critical that
4 people, and active duty service members and veterans in
5 particular, have better access to varying levels of legal
6 assistance appropriate for their individual circumstances,
7 which will reduce the number of cases the courts must manage
8 and reduce unnecessary backlogs and delays in the court system
9 for the benefit of all litigants.

10 (c) An increasing number of active duty service members and
11 veterans in this State have a need for legal information and
12 assistance in a variety of matters that are often critical to
13 their safety and independence, yet they are often unable to
14 access that assistance. Providing access to legal advice and a
15 referral system of attorneys for veterans and active duty
16 service members, who often have underlying issues relating to
17 their military service, increases the efficiency of the court
18 system and advances access to justice for everyone in this
19 State.

20 (Source: P.A. 98-351, eff. 8-15-13.)

21 (705 ILCS 95/7 new)

22 Sec. 7. Definitions. As used in this Act:

23 (a) "Foundation" means the Illinois Equal Justice
24 Foundation, a not-for-profit corporation created by the
25 Illinois State Bar Association and the Chicago Bar Association

1 and recognized under the Illinois Equal Justice Act.

2 (b) "Illinois Access to Civil Justice Council" or "Council"
3 means a special advisory body created by the Foundation. The
4 Council consists of 7 members, appointed as follows: one by the
5 Lawyers Trust Fund of Illinois, one by the Chicago Bar
6 Foundation, one by the Illinois Bar Foundation, one by the
7 Illinois Department of Veterans' Affairs, one by the Illinois
8 Attorney General, and 2 by the Foundation or any successor
9 entities or agencies as designated by the Council.

10 (705 ILCS 95/10)

11 Sec. 10. Pilot programs.

12 (a) The Illinois Access to Civil Justice Council shall
13 ~~General Assembly encourages the Supreme Court to~~ develop: (i) a
14 pilot program to create a statewide military personnel and
15 veterans' legal assistance hotline and coordinated network of
16 legal support resources; and (ii) a pilot program to provide
17 court-based legal assistance within a circuit court in each
18 appellate district of this State.

19 (b) The General Assembly recommends that ~~the rules~~
20 ~~developing~~ the pilot programs:

21 (1) provide intake, screening, and varying levels of
22 legal assistance to ensure that the parties served by these
23 programs have meaningful access to justice;

24 (2) gather information on the outcomes associated with
25 providing the services described in paragraph (1) of this

1 subsection; and

2 (3) guard against the involuntary waiver of rights or
3 disposition by default.

4 (Source: P.A. 98-351, eff. 8-15-13.)

5 (705 ILCS 95/15)

6 Sec. 15. Access to Justice Fund.

7 (a) The Access to Justice Fund is created as a special fund
8 in the State treasury. The Fund shall consist of fees collected
9 under Section 27.3g of the Clerks of Courts Act. ~~Moneys Subject~~
10 ~~to appropriation, moneys~~ in the Access to Justice Fund shall be
11 appropriated to ~~used by~~ the Attorney General for disbursement
12 to the Foundation. The Foundation shall use the moneys to make
13 grants and distributions ~~Supreme Court~~ for the administration
14 of the pilot programs created under this Act. Grants or
15 distributions made under this Act by the Foundation are subject
16 to the requirements of the Illinois Grant Funds Recovery Act.

17 (b) In accordance with the requirements of the Illinois
18 Equal Justice Act, the Foundation may make grants, enter into
19 contracts, and take other actions recommended by the Council to
20 effectuate the pilot programs and comply with the other
21 requirements of this Act.

22 (c) The governing board of the Foundation must prepare and
23 submit an annual report to the Governor, the President of the
24 Senate, the Minority Leader of the Senate, the Speaker of the
25 House of Representatives, the Minority Leader of the House of

1 Representatives, and the Justices of the Illinois Supreme
2 Court. The report must include: (i) a statement of the total
3 receipts and a breakdown by source during each of the previous
4 2 calendar years; (ii) a list of the names and addresses of the
5 recipients that are currently receiving grants or
6 distributions and that received grants or distributions in the
7 previous year and the amounts committed to recipients for the
8 current year and paid in the previous year; (iii) a breakdown
9 of the amounts of grants or distributions paid during the
10 previous year to recipients and the amounts committed to each
11 recipient for the current year; (iv) a breakdown of the
12 Foundation's costs in administering the Fund; (v) a statement
13 of the Fund balance at the start and at the close of the
14 previous year and the interest earned during the previous year;
15 and (vi) any notices the Foundation issued denying applications
16 for grants or distributions under this Act. The report, in its
17 entirety, is a public record, and the Foundation and the
18 Governor shall make the report available for inspection upon
19 request.

20 (d) The Foundation may annually retain a portion of the
21 disbursement it receives under this Section to reimburse the
22 Foundation for the actual cost of administering the Council and
23 for making the grants and distributions pursuant to this Act
24 during that year.

25 (e) No moneys distributed by the Foundation from the Access
26 to Justice Fund may be directly or indirectly used for lobbying

1 activities, as defined in Section 2 of the Lobbyist
2 Registration Act or as defined in any ordinance or resolution
3 of a municipality, county, or other unit of local government in
4 Illinois.

5 (f) The Foundation may make, enter into, and execute
6 contracts, agreements, leases, and other instruments with any
7 person, including without limitation any federal, State, or
8 local governmental agency, and may take other actions that may
9 be necessary or convenient to accomplish any purpose authorized
10 by this Act.

11 (g) The Foundation has the authority to receive and accept
12 any and all grants, loans, subsidies, matching funds,
13 reimbursements, federal grant moneys, fees for services, and
14 other things of value from the federal or State government or
15 any agency of any other state or from any institution, person,
16 firm, or corporation, public or private, to be used to carry
17 out the purposes of this Act.

18 (Source: P.A. 98-351, eff. 8-15-13.)

19 (705 ILCS 95/20)

20 Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study
21 the effectiveness of the pilot programs implemented under this
22 Act and submit a report to the Governor and General Assembly by
23 June 1, 2021 ~~2017~~. The report shall include the number of
24 people served in each pilot program and data on the impact of
25 varying levels of legal assistance on access to justice, the

1 effect on fair and efficient court administration, and the
2 impact on government programs and community resources. This
3 report shall describe the benefits of providing legal
4 assistance to those who were previously unrepresented, both for
5 the clients and the courts, and shall describe strategies and
6 recommendations for maximizing the benefit of that
7 representation in the future. The report shall include an
8 assessment of the continuing unmet needs and, if available,
9 data regarding those unmet needs.

10 (Source: P.A. 98-351, eff. 8-15-13.)

11 Section 10. The Clerks of Courts Act is amended by changing
12 Section 27.3g as follows:

13 (705 ILCS 105/27.3g)

14 (Section scheduled to be repealed on August 15, 2018)

15 Sec. 27.3g. Pilot program; Access to Justice Act.

16 (a) On and after September 1, 2015 ~~If the Supreme Court~~
17 ~~develops a pilot program to provide court based legal~~
18 ~~assistance in accordance with Section 10 of the Access to~~
19 ~~Justice Act~~, all clerks of the circuit court shall charge and
20 collect at the time of filing the first pleading, paper, or
21 other appearance filed by each party in all civil cases, in
22 addition to any other fees, a fee of \$10, but no additional fee
23 shall be required if more than one party is represented in a
24 single pleading, paper, or other appearance. Fees received by

1 the clerk of the circuit court under this Section shall be
2 remitted by the clerk of the circuit court to the State
3 Treasurer, within one month after receipt, ~~to the Supreme Court~~
4 for deposit into the Access to Justice Fund created under
5 Section 15 of the Access to Justice Act.

6 (b) This Section is repealed on September 1, 2020 ~~5 years~~
7 ~~after the effective date of this amendatory Act of the 98th~~
8 ~~General Assembly.~~

9 (Source: P.A. 98-351, eff. 8-15-13.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."